

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**  
**CLIFFORD BURNS,**

**Petitioner,**

**9:18-cv-488  
(GLS/DJS)**

**v.**

**JAMIE LAMANNA,**

**Respondent.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR THE PETITIONER:**

Clifford Burns  
Pro Se  
14-A-4082  
Clinton Correctional Facility  
P.O. Box 2000  
Dannemora, NY 12929

**FOR THE RESPONDENT:**

HON. LETITIA JAMES  
New York State Attorney General  
28 Liberty Street  
New York, NY 10005

JAMES FOSTER GIBBONS  
Assistant Attorney General

**Gary L. Sharpe**  
**Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following a Report-Recommendation and Order (R&R) by Magistrate Judge Daniel J. Stewart, duly filed August 25, 2021. (Dkt. No. 31.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections

filed by the parties herein.

No objections having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Report-Recommendation and Order (Dkt. No. 31) is **ADOPTED** in its entirety; and it is further

**ORDERED** that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

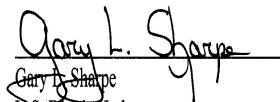
**ORDERED** that no certificate of appealability shall issue because petitioner has failed to make “a substantial showing of the denial of a constitutional right” as required by 28 U.S.C. § 2253(c)(2); and it is further

**ORDERED** that the Clerk is directed to close this case; and it is further

**ORDERED** that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules of Practice.

**IT IS SO ORDERED.**

September 14, 2021  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge